

CONCILIATION

Denne sammenslutning har været indledt ved Ministris skriv. d. 22. marts 1871.
Denne sammenslutning har været holdt ved denne

største konference d. 22. marts 1871.

Denne sammenslutning har været vedtaget.

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d. 22. marts 1871.

FILE COPY

Miller - Supreme Court

FILED

MAR 8 1948

CHARLES ELMER GRIFFIN

IN THE

Supreme Court of the United States

Nos. 451, 452, 453 and 454

ANDREW COMSTOCK, ET AL.,
Appellants,
vs.

GROUP OF INSTITUTIONAL INVESTORS, ET AL.,
Appellees.

PETITION FOR LEAVE TO FILE BRIEF AS
AMICUS CURIAE.

MORD M. BOGIE, AVERY BRUNDAGE, LEO J.
SHERIDAN, DE LANCY C. SMITH and
PAUL E. KLING, as a Protective Com-
mittee for the Holders of Missouri Pa-
cific Railroad Company 5½ Secured
Serial Gold Bonds,

By GUY A. GLADSON,
Counsel.

WINSTON, STRAWN & SHAW,
Chicago, Illinois,
Of Counsel.



Supreme Court of the United States

Nos. 451, 452, 453, 454.

ANDREW COMSTOCK, ET AL., *Appellants,*

GROUP OF INSTITUTIONAL INVESTORS, ET AL., *Appellees.*

**PETITION FOR LEAVE TO FILE BRIEF AS
"AMICUS CURIAE."**

To the Supreme Court of the United States:

Now come Mord M. Bogie, Avery Brundage, Leo J. Sheridan, De Lancey C. Smith and Paul E. Kling, as a Protective Committee for the Holders of Missouri Pacific Railroad Company 5½% Secured Serial Gold Bonds, (hereinafter called the "Committee") and respectfully request that they be permitted to file their brief in this cause as *amicus curiae*. In support of their request the Committee shows:

The Committee is acting under and pursuant to an order of the Interstate Commerce Commission dated October 31, 1947, which provided, in part, that "Mord Bogie, Avery Brundage, Leo J. Sheridan and Paul E. Kling, as a protective committee for holders of Missouri Pacific Railroad Company 5½% secured serial gold bonds, are hereby author-

ized, pursuant to section 77(p) of the Bankruptcy Act, as amended, 11 U. S. Code, sec. 205, to solicit from holders of such bonds their authorizations for the committee to act for and represent them, without deposit of the bonds, in accordance with the provisions of the authorization described in the report, in connection with the consummation of a plan of reorganization of the Missouri Pacific Railroad Company, debtor, in proceedings No. 6935 for reorganization under section 77 of the Bankruptcy Act now pending in the District Court of the United States, Eastern Division, Eastern Judicial District of Missouri, or in any receivership proceeding against the debtor which may follow such pending proceeding but precede consummation of a reorganization of the debtor, or in any matters relating thereto now pending or hereafter instituted, and to use, employ, or act under or pursuant to such authorizations, as the representatives of such holders, in such proceedings."

Mr. De Lancey C. Smith recently has been elected a member of the Committee, and has accepted such election, subject to the approval of the Interstate Commerce Commission pursuant to petition for approval now pending.

The Committee has solicited and is now soliciting authorizations to represent holders of said 5½% Serial Bonds, and has filed with the Interstate Commerce Commission and the District Court, Eastern Division, Eastern District of Missouri, petitions for leave to intervene in the reorganization proceedings of Missouri Pacific Railroad Company and affiliated debtors.

The Committee presently represents over \$1,000,000 principal amount of said 5½% Serial Bonds and expects ultimately to represent a substantially greater principal amount thereof. The interests of all such bondholders are identical.

The Committee does not desire to file a long brief duplicating those already on file, but believes that a short brief placing particular emphasis on one line of thought will be helpful to the Court in reaching its decision herein.

Wherefore, the undersigned Committee requests leave to file a brief herein as *amicus curiae*.

Respectfully submitted,

MORD M. BOGIN, AVERY BRUNDAGE, LEO J. SHERIDAN, DE LANCEY C. SMITH and PAUL E. KLING, as a Protective Committee for the Holders of Missouri Pacific Railroad Company 5½% Secured Serial Gold Bonds,

By GUY A. GLADSON,

Counsel.

WINSTON, STRAWN & SHAW,
Chicago, Illinois,
Of Counsel.